

**ASSEMBLY BILL**

**No. 1563**

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**Introduced by Assembly Member Norby**

January 30, 2012

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An act to amend Section 35021 of the Education Code, relating to school volunteers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1563, as introduced, Norby. Schools: volunteers: capital maintenance projects.

Existing law authorizes the governing board of any school district to permit a person, except a person required to register as a sex offender, as specified, to volunteer to supervise pupils during the school lunch period or any breakfast period or nutrition period, or to serve as a nonteaching volunteer aide under the immediate supervision and direction of the certificated personnel of the district, as specified. Existing law prohibits a school district from abolishing any of its classified positions and utilizing those volunteers for those services in place of classified employees laid off as a result of the abolition of a position.

This bill would authorize the governing board of a school district to permit a person, except a person required to register as a sex offender, as specified, to serve as an unpaid volunteer for a capital maintenance project in the school district. The bill would provide that, to the extent these provisions conflict with any provision of a collective bargaining agreement entered into before January 1, 2013, by a public school employer and an exclusive bargaining representative, the provisions shall not apply to the school district until the expiration of that collective bargaining agreement.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 35021 of the Education Code is amended  
2 to read:

3 35021. (a) Notwithstanding any other law, ~~any the governing~~  
4 *board of a school district may permit a person, except a person*  
5 *required to register as a sex offender pursuant to Section 290 of*  
6 *the Penal Code, may be permitted by the governing board of any*  
7 ~~school district~~ *to perform the duties specified in Section 44814 or*  
8 *44815, or to serve as a nonteaching volunteer aide under the*  
9 *immediate supervision and direction of the certificated personnel*  
10 *of the district to perform noninstructional work which that serves*  
11 *to assist the certificated personnel in performance of teaching and*  
12 *administrative responsibilities. With respect to this noninstructional*  
13 *work, the nonteaching volunteer aide shall serve without*  
14 *compensation of any type or other benefits accorded to employees*  
15 *of the district, except as provided in Section 3364.5 of the Labor*  
16 *Code.*

17 (b) (1) *Notwithstanding any other law, the governing board of*  
18 *a school district may permit a person, except a person required*  
19 *to register as a sex offender pursuant to Section 290 of the Penal*  
20 *Code, to serve as an unpaid volunteer for a capital maintenance*  
21 *project in the school district.*

22 (2) *To the extent that paragraph (1) conflicts with a provision*  
23 *of a collective bargaining agreement entered into by a public*  
24 *school employer and an exclusive bargaining representative before*  
25 *January 1, 2013, pursuant to Chapter 10.7 (commencing with*  
26 *Section 3540) of Division 4 of Title 1 of the Government Code,*  
27 *paragraph (1) shall not apply to the school district until expiration*  
28 *of that collective bargaining agreement.*

29 ~~(b) No~~

30 (c) *A school district may shall not abolish any of its classified*  
31 *positions and utilize volunteer aides, as authorized herein, in lieu*  
32 *by subdivisions (a) and (b), in place of classified employees who*  
33 *are laid off as a result of the abolition of a position. A school*  
34 *district shall not refuse to employ a person in a vacant classified*

1 position and use volunteer aides in ~~lieu~~ *place* of filling the  
2 classified position.

3 (e)

4 (d) It is the intent of the Legislature to permit school districts  
5 to use volunteer aides to enhance ~~its~~ *their* educational ~~program~~  
6 *programs*, but not to permit displacement of classified employees  
7 nor to allow districts to utilize volunteers in lieu of normal  
8 employee requirements.

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